

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: TESTOSTERONE
REPLACEMENT THERAPY
PRODUCTS LIABILITY LITIGATION

MDL No. 2545

Master Docket Case No. 1:14-cv-01748

Honorable Matthew F. Kennelly

THIS DOCUMENT RELATES TO:

Elmer Jordan v. AbbVie Inc., et al.,
Case No. 1:15-cv-03346

James Reinsel v. Endo Pharmaceuticals Inc., et al.,
Case No. 1:16-cv-00089

Craig Howard v. AbbVie Inc., et al.,
Case No. 1:16-cv-01771

Everett Adams v. Auxilium Pharmaceuticals, LLC, et al.,
Case No. 1:15-cv-11404

Estate of William Holland, v. AbbVie Inc., et al.,
Case No. 1:18-cv-03241

Gary Nash v. Auxilium Pharmaceuticals, LLC, et al.,
Case No. 1:16-cv-00731

Ted Porter v. Endo Pharmaceuticals Inc.,
Case No. 17-cv-03840

Donald Smith v. Auxilium Pharmaceuticals, LLC, et al.,
Case No. 1:15-cv-01340

Frank Miles v. Eli Lilly and Company, et al.,
Case No. 1:15-cv-08581

ENDO DEFENDANTS' STATUS REPORT
PURSUANT TO CORRECTED CMO 150

Defendants Auxilium Pharmaceuticals, LLC (f/k/a Auxilium Pharmaceuticals, Inc.), Endo Pharmaceuticals Inc., and GlaxoSmithKline LLC (collectively, the “Endo Defendants”) by and through undersigned counsel, hereby submit this Status Report pursuant to Corrected Case Management Order (“CMO”) No. 150 (ECF No. 2973) regarding the 9 cases identified on CMO 150. The Endo Defendants’ Motion For an Order To Show Cause that led to CMO 150 identified 6 additional cases that were dismissed with prejudice and terminated prior to the Court entering CMO 150.

A. CMO 150 Case Ripe For Termination.

1. ***Ted Porter v. Endo Pharmaceuticals Inc., Case No. 17-cv-03840***: On May 8, 2019, the parties filed a stipulation dismissing Endo Pharmaceuticals Inc. with prejudice. The Endo Defendants respectfully request that the Court issue an order terminating this case.

B. CMO 150 Cases Ripe For Dismissal With Prejudice and Termination.

To date, the following 7 Plaintiffs have not met their CMO 126 obligations or filed any other motions with the Court. As such, the Endo Defendants respectfully request that the Court issue an order dismissing with prejudice and terminating the following cases:

1. ***Elmer Jordan v. AbbVie Inc., et al., Case No. 1:15-cv-03346***: On April 30, 2019, counsel for Plaintiff filed a notice verifying that counsel notified their client in writing of CMO 150 (ECF No. 20). Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.
2. ***James Reinsel v. Endo Pharmaceuticals Inc., et al., Case No. 1:16-cv-00089***: On April 22, 2019, counsel for Plaintiff filed a notice verifying that counsel notified their client in writing of CMO 150 (ECF No. 14). Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.
3. ***Craig Howard v. AbbVie Inc., et al., Case No. 1:16-cv-01771***: On April 24, 2019, counsel for Plaintiff filed a notice verifying that counsel notified their client in writing of CMO 150 (ECF No. 35). Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.
4. ***Everett Adams v. Auxilium Pharmaceuticals, LLC, et al., Case No. 1:15-cv-11404***: On April 22, 2019, counsel for Plaintiff filed a notice verifying that counsel notified their client in writing of CMO 150 (ECF No. 17). Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.

5. ***Estate of William Holland, v. AbbVie Inc., et al., Case No. 1:18-cv-03241:***
Counsel for Plaintiff did not file a notice verifying that counsel notified their client in writing of CMO 150. Counsel had ample notice of CMO 150 based on the related filings on both this docket and the main MDL docket. Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.
6. ***Gary Nash v. Auxilium Pharmaceuticals, LLC, et al., Case No. 1:16-cv-00731:***
On April 22, 2019, counsel for Plaintiff filed a notice verifying that counsel notified their client in writing of CMO 150 (ECF No. 22). Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.
7. ***Frank Miles v. Eli Lilly and Company, et al., Case No. 1:15-cv-08581:*** On April 24, 2019, counsel for Plaintiff filed a notice verifying that counsel notified their client in writing of CMO 150 (ECF No. 21). Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. The Endo Defendants respectfully request that the Court issue an order dismissing the case with prejudice and terminating this case.

C. CMO 150 Case Ripe For Dismissal With Prejudice and Termination But Subject to Other Motion Practice.

1. ***Donald Smith v. Auxilium Pharmaceuticals, LLC, et al., Case No. 1:15-cv-01340:***
Plaintiff failed to show cause in writing by May 10, 2019, why his case should not be dismissed under CMO 126, paragraph B.11 for failure to comply with the CMO 126 obligations of paragraphs B.9 and B.10. However, on May 9, 2019, counsel for Plaintiff filed a motion to transfer venue under 28 U.S.C. § 1404(1), with no mention of Plaintiff's CMO 126 or CMO 150 obligations. Auxilium intends to oppose this motion and enforce CMOs 126 and 150. The Court set the following briefing schedule: Auxilium's response is due May 28, 2019, and Plaintiff's reply is due June 4, 2019.

May 16, 2019

Respectfully submitted,

/s/ Andrew K. Solow
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LLC (f/k/a Auxilium Pharmaceuticals, Inc.),
Endo Pharmaceuticals Inc., and
GlaxoSmithKline LLC*

CERTIFICATE OF SERVICE

I, Daniel Meyers, hereby certify that on May 16, 2019, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Daniel Meyers